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## CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. § 1.8

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Date: March 21, 2007 Name: Lawrence G. Almeda Signature: [Signature]

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Michael J. Borelli

Appln. No.: 10/764,316

Filed: January 23, 2004

For: METHODS AND COMPOSITIONS FOR  
HEAT ACTIVATED GENE THERAPY  
USING CYTOLETHAL DISTENDING  
TOXIN

Examiner: Chong, Kimberly

Art Unit: 1635

Attorney Docket No: 10546-109

Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

## TRANSMITTAL

Sir,

Attached is/are:

- ☒ Transmittal (duplicate); Amendment and Request for Reconsideration;  
☐ Return Receipt Postcard

Fee calculation:

- ☐ No additional fee is required.  
☒ Small Entity.  
☒ An extension fee in an amount of \$60.00 for a one-month extension of time under 37 C.F.R. § 1.136(a).

Fee payment:

- ☐ A check in the amount of \$\_\_\_\_\_ is enclosed.  
☒ Please charge Deposit Account No. 23-1925 in the amount of \$60.00. A copy of this Transmittal is enclosed for this purpose.  
☐ Payment by credit card in the amount of \$\_\_\_\_\_ (Form PTO-2038 is attached).  
☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

March 21, 2007

Date

Respectfully submitted,

[Signature]

Lawrence G. Almeda (Reg. No. 46,151)

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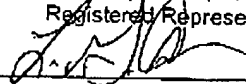
MAR 21 2007

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
on March 21, 2007

Date of Deposit  
Lawrence G. Almeda

Name of applicant, assignee or  
Registered Representative



Signature  
March 21, 2007  
Date of Signature

Our Case No. 10546-109**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

MICHAEL J. BORRELI

Serial No. 10/764,316

Filing Date: January 23, 2004

For: METHODS AND COMPOSITIONS FOR  
HEAT ACTIVATED GENE THERAPY  
USING CYTOLETHAL DISTENDING  
TOXIN

Examiner:  
Chong, Kimberly

Group Art Unit No.  
1635

**AMENDMENT AND REQUEST FOR RECONSIDERATION**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action dated November 22, 2006, Applicants have timely filed this Amendment by a Certificate under 37 C.F.R. §1.8. A fee statement calculating any fee(s) presently due in connection with the filing of this paper, along with an authorization to charge any fee deficiency to Deposit Account No. 23-1925. Applicants respectfully request the Examiner to withdraw the objections and rejections